

RECEIVED  
CENTRAL FAX CENTER

OCT 25 2006

**FAX TRANSMISSION****DATE:** October 25, 2006**PTO IDENTIFIER:** Application Number 10/573,696  
Patent Number**Inventor:** Heinrich Ulrich et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** DARBY & DARBY P.C.

Erik R. Swanson

**PHONE:** (212) 527-7700**Attorney Dkt. #:** 20793/0204535-US0**PAGES (Including Cover Sheet):** 6**CONTENTS:** Certificate of Transmission (1 page)  
Power of Attorney to Prosecute Application Before the USPTO (1 page)  
Statement Under 37 CFR 3.73(b) (1 page)  
Copy of previously recorded Assignment (2 pages)

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (212) 527-7700 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

**DARBY & DARBY P.C.**  
P.O. Box 5257, New York, New York 10150-5257  
Telephone: (212) 527-7700 Facsimile: (212) 527-7701

{W:\20793\0204535us0\00893369.DOC [REDACTED] }

RECEIVED  
CENTRAL FAX CENTER

OCT 25 2006

PTO/SB/97 (08-06)

Approved for use through 03/31/2007. OMB 0851-0031

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

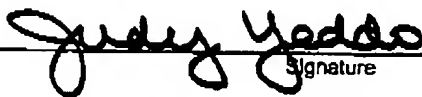
Application No. (if known): 10/573,696

Attorney Docket No.: 20793/0204535-USO

**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on October 25, 2006  
Date



Signature

Judy Yeddo

Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Power of Attorney to Prosecute Application Before the USPTO (1 page)

Statement Under 37 CFR 3.73(b) (1 page)

Copy of previously recorded Assignment (2 pages)

(W:\20793\0204535us0\00893368.DOC [REDACTED] )

PTO/SB/80 (01-06)

Approved for use through 12/31/2008. OMB 0851-0035  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO**

I hereby revoke all previous powers of attorney given in the application identified in the attached statements under 37 CFR 3.73(b) which statements have been prepared by the practitioners associated with Customer Number 07278 with the Assignee's authorization.

I hereby appoint:

☒ Practitioners associated with the Customer Number:

07278

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☒ The address associated with Customer Number:

07278

OR

☐ Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Email

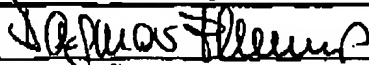
Assignee Name and Address:

Leica Microsystems CMS GmbH, Ernst-Leitz-Straße 17-37, 35578 Wetzlar, Germany

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/98 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

**SIGNATURE of Assignee of Record**

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	October 5, 2006
Name	Dagmar Elvers	Telephone	+49 (0)6441 29-2672
Title	Patent Professional		

(W:\20797\9420797000\00840499.DOC ~~XXXXXXXXXXXX~~)

PTO/SB/98 (12-05)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Leica Microsystems CMS GmbH

Application No./Patent

No./Control No.:

10/573.696

Filed/Issue Date:

March 24, 2006Entitled: SCANNING MICROSCOPE WITH EVANESCENT WAVE ILLUMINATIONLeica Microsystems CMS GmbH

(Name of Assignee)

Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

In the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a true copy of the original assignment is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.  
[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Erik R. Swanson  
Signature10/13/06  
DateErik R. Swanson  
Printed or Typed Name(212) 627-7700  
Telephone NumberRegistration Number 40,833  
Title

RECEIVED  
CENTRAL FAX CENTER

OCT 25 2006

## ASSIGNMENT

Docket No.: 5005.1111

WHEREAS, I (We), Heinrich, ULRICH, residing at Langgewann 2, 69121 Heidelberg, Germany; Werner KNEBEL, residing at Hebelstrasse 17/1, 76709 Kronau, Germany; and Kyra MOELLMANN, residing at Koehlerweg 10, 67705 Trippstadt, Germany; ASSIGNOR(S), have invented certain new and useful improvements in **SCANNING MICROSCOPE WITH EVANESCENT WAVE ILLUMINATION**, an application for a Patent of the United States (for) which:

\_\_\_ I (we) am (are) about to execute;  
\_\_\_ was executed on \_\_\_\_\_ (date(s));  
☒ is identified by Davidson, Davidson & Kappel, LLC, Docket No. 5005.1111;  
\_\_\_ was filed on \_\_\_\_\_ Serial No. \_\_\_\_\_  
☒ I (we) hereby authorize and request our attorney, Davidson, Davidson & Kappel, LLC of 485 Seventh Avenue, 14<sup>th</sup> Floor, New York, New York 10018 to insert here in parentheses (Application number \_\_\_\_\_, filed \_\_\_\_\_) the filing date and application number of said application when known; and

WHEREAS, Leica Microsystems CMS GmbH, Ernst-Leitz-Strasse 17-37, 35578 Wetzlar, Germany, ASSIGNEE, is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me (us) in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I (we), the said ASSIGNOR(S), have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and

I (WE) HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument; and

I (WE) HEREBY covenant and agree that I (we) have full right to convey the entire interest herein assigned, and that I (we) have not executed, and will not execute, any agreement in conflict herewith; and

1 of 2

**ASSIGNMENT**

Docket No.: 5005.1111

I (WE) HEREBY further covenant and agree that I (we) will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to me (us) respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, I (we) hereunto set my (our) hand(s) and seal(s) the day and year set opposite my (our) signature(s).

Dated: March 7, 2006Heinrich Ulrich  
Heinrich ULRICHDated: March 7, 2006Werner Knebel  
Werner KNEBELDated: March 7, 2006Kyra Möllmann  
Kyra MÖELLMANN